

REMARKS

Claims 1-23 are pending in the present application. In the Final Office Action mailed April 11, 2006, the Examiner rejected claims 1-23 under 35 U.S.C. §103(a) as being unpatentable over the single reference Katooka et al. (USP 5,831,240).

The Examiner rejected claims 1, 10, and 17 under 35 § USC 103(a) as being unpatentable over Katooka et al. In response to Applicant's reply dated February 3, 2006 arguing that the current invention would not have been obvious in light of Katooka, the Examiner stated "applicant's claimed invention is just a modification of Katooka et al's configuration to the locking between the end panel and the base... compris[ing] a snap with an opening on the end panel, and a ramp on the base." *Office Action, April 11, 2006, p. 3*. The Examiner further went on to say that Katooka et al. "is just an opposite of applicant's claimed invention" and thus "[i]t would have been obvious to one of ordinary skill in the art to modify either having the snap on the end panel or the base, since either way, there exists locking between the end panel and base." *Id. at 3-4*. Applicant respectfully disagrees. The structures found in Katooka et al. and in the current claims are not "opposites" as claimed by the Examiner, and furthermore, the elements of claims 1, 10 and 17 are not taught, disclosed or suggested in the prior art.

In the current invention, claim 1 calls for, in part, a base having at least one snap having a distal end with an opening therein and extending outwardly from the end of a panel, the end panel having at least one ramp formed thereon that is generally in alignment with the at least one snap, whereby the distal end of the at least one snap is engaged to the at least one ramp to retain the end panel to the base. Claim 10 calls for, in part, a base having at least one snap having a distal end with an opening therein and extending outwardly from the end of the base, and an end panel having at least one ramp formed thereon that is generally in alignment with the at least one snap, whereby the distal end of the at least one snap is engaged to the at least one ramp to retain the end panel to the base. Claim 17 calls for, in part, providing a molded base with at least one snap having a distal end and an elongated opening formed therein, the at least one snap extending outwardly therefrom providing a molded plastic panel having at least one inclined ramp formed thereon leading to a vertical rear wall and having a recess formed proximate the rear wall, and inserting the molded base into the molded plastic panel to cause the snap to ride upwardly along the inclined ramp and enter into the recess to lock the distal end of the at least one snap against the rear wall of the at least one ramp to retain the base to the end panel.

As shown in Fig. 2, the current invention discloses a pair of snaps 42 extending outwardly from the ends 28, 30 of a base 26. The snaps 42 each have a distal end 44 and an elongated hole 46 formed therein as shown in Fig. 2. The snaps 42 are U-shaped in configuration, with the distal ends 44 being the closed ends of that U-shape. A ramp 60 located on the end panel 16 engages the snap 42 by protruding thru the elongated hole 46 in the snap 42.

By comparison, the structure in Katooka et al. consists of a projection 310 located on the base, the projection having a protrusion 312 protruding outward from the tip end of that projection. *See Figs. 3A, 3B.* The protrusion functions as a ramp for engaging a through-hole 106 in the front panel 100. As shown in Fig. 3A of Katooka et al., there is no ramp formed on the front panel 100 but merely a through-hole 106 formed therein. Therefore, in Katooka et al. the protrusion 312 is located on the projection 310, both of which are affixed to the base. This is not an opposite of the claimed invention but a different structure altogether that is more than a trivial difference. An accurate description of an opposite would be a projection located on the front panel, with the protrusion being formed on the base. Such is not the configuration in Katooka et al. and it is clear that the present claims do not read thereon. In fact, the structure set forth in the current claims provides an improved and more secure connection over that disclosed in Katooka et al. and one which better prevents unwanted opening of the welding apparatus enclosure. As seen in Fig. 2 of the present invention, an access opening 72 is provided at the vertical rear wall 70 of the ramp which restricts access to the snap 42 used to detach the base 26 from the rear panel 16. A tool must be inserted into the access opening 72 to contact and push the distal end 44 of the snap 42 upwardly so that the snap 42 can be unlocked. This configuration provides improved security over the projection 310 and protrusion 312 mechanism that engages the through-hole 106 in Katooka et al., which can be unlocked by simply pushing a finger inward on the protrusion. *See Figs. 3A, 3B; see also Col. 6, Ins. 25-32.* Thus from the above description, it is clear that the two structures described are not opposites and that the structure set forth in the current claims provides for a more secure connection than the mechanism disclosed in Katooka et al. As Katooka et al. fails to teach, disclose, or suggest all of the elements in claims 1, 10 and 17, a *prima facie* case of obviousness has not been established.

Even assuming *arguendo* that the inventions are opposites, the Examiner's statement that the claimed invention is "just an opposite" of Katooka et al. is not, in and of itself, enough to support an obviousness rejection. To establish a *prima facie* case of obviousness, the reference[s]

must teach or suggest all of the claim limitations and must suggest or motivate the modifications thereto. *MPEP §2142*. Further, the teaching or suggestion to make the claimed combination and/or modification must both be found in the prior art, and not based on applicant's disclosure. *MPEP §2142*. **“The fact that references can be combined or modified is not sufficient to establish *prima facie* obviousness.”** *MPEP § 2143.01*. The reference must teach or suggest the desirability of the proposed modification. So, even if these structures were opposites, which they are not, the Examiner must find a reference to support a finding that the opposites are interchangeable without any inventive step, or that there is a motivation in the prior art to modify the one to arrive at the other. The Examiner has not done so. There is nothing in patent law that says that an “opposite” is not patentable.

Katooka et al. recites a different structure than the claimed system, and the Examiner has not adduced any evidence which supports a conclusion that one of ordinary skill in the art would have found it obvious to modify the structure recited in Katooka et al. to create a structure with the elements called for in claims 1, 10 and 17. Further weakening the Examiner's obviousness rejection based on the inventions being opposites is his own admission that he agreed with the Applicant's argument from the response dated February 3, 2006, stating that “Katooka et al fail [sic] to teach the claimed invention as claimed.” *Id.* Merely stating that the current invention and the applied reference are opposites is not sufficient to establish a *prima facie* obviousness rejection under 35 U.S.C. §103(a) and does nothing to overcome the admission that the cited reference fails to teach the claimed invention. The Examiner's position regarding Katooka et al. and the current invention being alleged opposites, and that Katooka et al. would have suggested the claimed system to one of ordinary skill in the art, are not supported by evidence. As such, claims 1, 10 and 17, and the claims that depend therefrom, are not taught, disclosed, or suggested by the art of record. Applicant respectfully requests withdrawal of the rejection.

Therefore, in light of at least the foregoing, Applicant believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-23.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,

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